IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 21019 of 1998

Dated: 05.04.2007

Between:
Paduru Madhusudhan Reddy, S/o Papireddy, 46 years,
Agriculture, R/o Panagal village, Nalgonda District.

..... PETITIONER

AND

1. The Special Deputy Collector (Land Acquisition),
   SLBC, G.V.Gudem, Nalgonda.
2. Sudireddy Malla Reddy, R/o Chandanapally village,
   Nalgonda District.
3. The Special Collector (Land Acquisition), SRSP, SLBC,
   Pulichentala Project, Tarnaka, Hyderabad.

… RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.21019 of 1998

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 1st respondent in accepting the claim of the 2nd respondent and trying to pay compensation to him in respect of the land admeasuring Ac.6.16 guntas in Sy.No.186 of Panagal village, Nalgonda District, as illegal and arbitrary and

consequently he sought for a direction to the 1st respondent to pay compensation for the land acquired in Sy.No.186 admeasuring Ac.6.16 guntas to the petitioner.

It is the case of the petitioner that he is the owner and possessor of land admeasuring Ac.6.16 guntas in Sy.No.186 of Panagal village, Nalgonda District. While so, on 19.01.1998, the official respondents issued a notification under Section 4 (1) of the Land Acquisition Act (for short 'the Act') and also declaration under Section 6 of the Act stating that the land in question is needed for public purpose. The respondent authorities have also issued a notice under Sections 9 (3) and 10 of the Act. It is the further case of the petitioner that he has furnished title deeds to indicate his claim over the property and that he is entitled for compensation over the land in question. It is stated that the 2nd respondent is trying to claim rights over the property in question by filing forged and fabricated documents in order to claim compensation.

A detailed counter-affidavit has been filed on behalf of the 1st respondent stating that the 2nd respondent purchased the land in Sy.No.186 to an extent of Ac.6.00 from the writ petitioner and obtained a decree from the Subordinate Court, Nalgonda in O.S.No.995 of 1977. It is stated that the decree was implemented in Jamabandi for the year 1986-87 and the name of the purchaser was incorporated as pattedar in pahanies of Pangal village for the year 1987-88 and 1988-89. It is further stated that an award was passed and compensation for an extent of Ac.6.00 in Sy.No.186 of Pangal village was paid to the 2nd respondent herein and for the remaining extent of Ac.0.16 guntas, the compensation was paid to the petitioner.

Heard both sides.

In the light of the controversy between the parties, this Court is of the view that the matter has to be referred to a Civil Court under Section 30 of the Land Acquisition Act for adjudication.

The writ petition is accordingly disposed of directing the 1st respondent to refer the matter to the Civil Court under Section 30 of the Land Acquisition Act for proper adjudication. Pending consideration of the same, the compensation amount shall not be disbursed to anybody. No costs.

_____

(GOPALA KRISHNA TAMADA, J)

05-04-2007
Gsn